

Exemption No. 7668

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

Garrett Aviation Services

for an exemption from § 25.813(e), of Title
14, Code of Federal Regulations

Regulatory Docket No. FAA-2001-10870

GRANT OF EXEMPTION

By letter dated October 15, 2001, Mr. Aaron J. Duncan, Manager, Engineering, Garrett Aviation Services, 1200 North Airport Drive, Springfield, Illinois 62707-8417, petitioned for an exemption from the requirements of § 25.813 (e) of Title 14, Code of Federal Regulations (14 CFR). The exemption, if granted, would permit the installation of interior doors between passenger compartments on the Dassault Aviation airplane models Mystere Falcon 900 and Falcon 900EX.

The petitioner requests relief from the following regulations:

Section 25.813(e) prohibits the installation of doors between passenger compartments.

The petitioner supports its request with the following information:

This petition for exemption from 14 CFR § 25.813(e) submitted by Garrett Aviation Services, 1200 North Airport Drive, Springfield, Illinois 62707-8417, would permit the installation of doors in partitions between passenger compartments in Dassault Aviation Mystere-Falcon 900 and Falcon 900EX aircraft used for corporate transport. In support of this request, Garrett Aviation Services is proposing alternative design requirements to provide a level of safety appropriate to the operation of corporate aircraft equipped with partitions with doors.

ANM-02-050-E

The Dassault Aviation Mystere-Falcon 900 and the Falcon 900EX (a derivative of the Mystere Falcon 900) have the same passenger cabin size and layout. They will be referred to collectively as Falcon 900/900EX throughout the rest of this petition.

“Extent of relief and reason for seeking relief

“Relief from 14 CFR § 25.813(e) is being requested for all Dassault Aviation Mystere-Falcon 900 and Falcon 900EX model aircraft as modified by Garrett Aviation Services. This relief is being sought because private areas in corporate aircraft are being requested by an increasing number of aircraft operators. The Falcon 900/900EX aircraft compares with similar types of aircraft outfitted at completion and modification centers in the U.S.A. and abroad that are able to offer this feature.

“The cabin of the Dassault Falcon 900/900EX is approximately seven feet wide with a maximum cabin height of approximately six feet. In order to provide a private area of the cabin, it is necessary to divide the passenger cabin full width (laterally) with sliding pocket doors that extend from the cabin partitions because a side corridor is impractical.

“In response to Exemption No. 7590 previously granted to Dassault Falcon Jet Corporation for Mystere-Falcon 900 and Falcon 900EX aircraft, the FAA acknowledged that:

While the FAA is not aware of any specific incidents of economic harm as a result of different standards being applied to different private use airplanes, the FAA recognizes that significant upgrading of the occupant safety standards in recent years has made this a distinct possibility. Further, as more airplanes are used in executive operations, differences in certification bases will become more significant in terms of the burden of compliance. This issue is generally not a factor for commercial operation, because the operating rules are typically upgraded along with the type design standards, making the requirements effectively the same for all manufacturers. For privately-operated airplanes, however, this is not the case. Thus, while a grant of exemption is clearly in the interest of the segment of the public for which it is requested, the FAA agrees that the public at large has the potential to benefit by granting increased flexibility to the manufacture and modification of the Dassault Falcon Jet airplane models Mystere Falcon 900 and Falcon 900EX.

“It is Garrett Aviation Services contention that the above referenced FAA argument is general in nature and is applicable to all private use airplanes, including the Dassault Falcon 900/900EX for which this petition is being requested.

“Why This Exemption Would Not Adversely Affect Safety

“While a grant of exemption as requested by this petition could not be said to provide the same level of safety that would be afforded were there strict compliance with the regulations, the resultant level of safety would be consistent with other private airplanes.

In addition, the level of safety that would result from this exemption is specifically requested and desired by that segment of the public, namely the owners that will fly on these airplanes.

“It is noted that the FAA has previously granted exemptions to this regulation for the Falcon 900/900EX aircraft (Exemption No. 7590) as well as several other models of private use aircraft with larger passenger capacity and more complicated floor plans than the Falcon 900/900EX (e.g. Exemption No. 6820A for Boeing model 737-700 IGW; Exemption No. 7107 for Boeing model 757; and Exemption No. 7455 for Bombardier model BD-700-1A10). It is also noted that the FAA has previously published other petitions for exemption on this same issue and received no adverse comments.

“It is the intent of this petition that, whether or not operations are ‘scheduled,’ this exemption will not permit fares to be collected in exchange for transportation. It is also the intent of this petition that the airplane will not be used to transport the general public (common carriage) even if fares are not collected. This exemption, if granted, should not restrict one party from collecting fees from another party, as long as the airplane is operated for private use.” That is, the airplane's owner may lease the airplane to another party, who in turn operates it as a private, not-for-hire airplane.

“Where flight deck annunciation is provided to indicate improper position of the door(s), the petitioner proposes that amber lights (as opposed to white or blue) will be used. This is consistent with FAA responses to earlier petitions for exemption from this regulation.

“Previous exemptions have required an additional limitation when an interior door is installed aft of the mid-cabin exit so that persons seated aft of the door can enter the compartment forward of it, even if the door is latched from the forward side. This petition differs slightly from previous petitions in that the petitioner also recognizes that a cabin door (regardless of where it is located in relation to the emergency exits) must not prevent the crew from gaining access to the aft section of the cabin. This is necessary to allow the crew to render assistance to passengers who may have become incapacitated in the aft section of the cabin as well as to allow the crew to investigate and extinguish small fires that may occur in those areas. This additional requirement would be similar to existing requirements for lavatory doors and doors to Class B baggage compartments. Requiring that the interior door could be unlocked or unlatched from either side without the use of tools would ensure that the door does not prevent access in any condition.”

In consideration of the preceding discussions and those contained within the referenced exemptions, Garrett Aviation is requesting relief from the requirements of 14 CFR § 25.813(e) to allow the installation of interior doors between passenger compartments on the Dassault Aviation Mystere-Falcon 900 and Falcon 900EX airplanes with the following provisions:

“1. The airplane is not operated for hire or offered for common carriage. This provision does not preclude the operator from receiving remuneration to the extent consistent with 14 CFR part 125 and 14 CFR part 91, subpart F, as applicable.

“2. Each door between passenger compartments must be frangible.

“3. Each door between passenger compartments must have a means to signal the flight crew when the door is closed. Appropriate procedures/limitations must be established to ensure that takeoff and landing is prohibited when such compartments are occupied and the door is closed.

“4. Each door between passenger compartments must have a dual means to retain it in the open position, each of which must be capable of reacting the inertia loads specified in 14 CFR § 25.561.

“5. When doors are installed in transverse partitions, they must translate laterally to open and close.

“6. When doors are installed in specified egress paths, each passenger must be informed that the airplane does not comply with the occupant safety requirements mandated for the airplane type in general. This notification is only required the first time that a person is a passenger on the airplane.

“7. Each door between passenger compartments (regardless of where it is located in relation to the emergency exits) must allow persons on either side of the door to unlock or unlatch the door without the use of tools.

“Additional Information To Support Request

“Exemption No. 7590 (Regulatory Docket No. FAA-2001-9619-3) issued to Dassault Falcon Jet Corporation on August 10, 2001 is attached. [available in the Docket] This exemption is provided as evidence that the FAA has recently granted exemption from the same regulation, with the same provisions, for the same type aircraft as that which is being requested by this petition.

“Good Cause For Not Publishing In Federal Register

“We believe that there is good cause for not publishing this petition for exemption in the Federal Register for the following reasons:

“1. Granting this petition would not set a precedent since the FAA has previously granted exemption to this regulation for the same model aircraft (e.g. Exemption No. 7590 for Dassault Mystere-Falcon 900 and Falcon 900EX) as well as several other models of private use aircraft (e.g. Exemption No. 6820A for Boeing model 737-700 IGW, Exemption No. 7107 for Boeing model 757, and Exemption No. 7455 for Bombardier model BD-700-1A10). The FAA previously published other petitions for exemption on this same issue and received no adverse comments.

“2. The relief being requested is identical to exemptions that were granted previously to Dassault Falcon Jet Corporation for the Dassault Aviation Mystere-Falcon 900 and Falcon 900EX.

“3. Delaying action on this petition would have a significant adverse affect on Garrett Aviation Services by causing a delay in certification which, in turn, would delay the delivery and collection of revenue from multiple Falcon 900/900EX aircraft customers who have already requested the installation of doors dividing their passenger cabin.

“Garrett Aviation Services believes that the above arguments fully support an exemption to permit doors to be installed in partitions which divide the passenger cabin in Dassault Aviation Mystere-Falcon 900 and Falcon 900EX aircraft. Garrett Aviation Services respectfully requests that you review the above and consider this petition for exemption from 14 CFR § 25.813(e) on behalf of Garrett Aviation Services.”

The FAA has determined that good cause exists for waiving the requirement for Federal Register publication because the exemption, if granted, would not set a precedent, and any delay in acting on this petition would be detrimental to Garrett Aviation Services. The FAA granted an exemption from the same regulation and the same model airplane as the petitioner is requesting to the Dassault Falcon Jet Corporation, Exemption No. 7590. The FAA has also granted the following exemptions from this regulation, Exemption No. 6820A for Boeing Model 737-700 IGW; Exemption No. 7107 for Boeing Model 757; and Exemption No. 7455 for Bombardier Model BD-700-1A10.

The FAA’s Analysis/summary is as follows:

As noted by the petitioner, there are differences between commercial and private use operation (whether by an individual or a corporation) of transport category airplanes that warrant consideration of the appropriate level of safety that is warranted. The FAA is giving great attention to the issues raised when these airplanes are operated in private use. In recognizing the differences between commercial and private use operations, the FAA has identified several regulatory requirements, including the subject of this petition, that may need to be revised to address the safety issues revealed by these differences. The FAA is currently reviewing the adequacy of the current regulations and in the future may propose revisions to the requirements, where appropriate.

The current regulations allow the installation of interior doors, provided that passengers cannot be seated on both sides of the door during takeoff and landing. The FAA has safety concerns regarding doors that are located between passengers and exits. The FAA has proposed to prohibit such installations in future designs, as detailed in Notice of Proposed Rulemaking 96-9 (61 FR 38551, July 24, 1996). However, until the regulations are revised, such doors may continue to be installed without the need to process a petition for exemption. Additionally, the FAA has recently issued exemptions for private use airplanes that would permit installation of doors between passenger compartments, provided that certain limitations are met. The petitioner has proposed most of these limitations as part of this petition.

As noted in previous dispositions of similar petitions, the FAA does not agree that all interior doors are equivalent, and has made a specific distinction between:

- doors whose failure affects only the occupants of a room, and
- doors whose failure affects other occupants as well.

This issue is significant to the segment of the public operating these airplanes in private use. These operators prefer to have the flexibility to partition the airplane in any manner as they consider necessary for their particular objective or enterprise. The FAA acknowledges the operators' point of view, but maintains that, even with the limitations proposed, an equivalent level of safety cannot be provided when doors span the main cabin aisle. Even the petitioner essentially acknowledges that the level of safety may not be the same; although, the petitioner states that the planned arrangement of doors is appropriate for the type of operation involved and would be consistent with other private use airplanes. In recognition of the apparent conflict, the FAA is pursuing separate rulemaking directed at private use airplanes that will be used to reconcile these regulatory issues.

With respect to the Dassault Aviation airplane models Mystere Falcon 900 and Falcon 900EX that are the subject of this petition, there is the potential for some occupants to be seated aft of the two emergency exits in the airplane and some occupants to be seated forward of an interior door. The applicant has correctly identified the need for the latches/locks on these doors to be unlatched/unlocked from either side of the door regardless of which side of the door has been latched/locked to allow the crew to respond to emergencies in the airplane. The FAA has addressed this issue and has proposed a design that could be unlocked or unlatched from either side without the use of tools.

The approach to flight deck annunciation proposed by the applicant is acceptable.

While the FAA is not aware of any specific incidents of economic harm as a result of different standards being applied to different private use airplanes, the FAA recognizes that significant upgrading of the occupant safety standards in recent years has made this a distinct possibility. Further, as more airplanes are used in executive operations, differences in certification bases will become more significant in terms of the burden of compliance. This issue is generally not a factor for commercial operation, because the operating rules are typically upgraded along with the type design standards, making the requirements effectively the same for all manufacturers. For privately-operated airplanes, however, this is not the case. Thus, while a grant of exemption is clearly in the interest of the segment of the public for which it is requested, the FAA agrees that the public at large has the potential to benefit by granting increased flexibility to the manufacture and modification of the Dassault Aviation airplane models Mystere Falcon 900 and Falcon 900EX.

Nevertheless, there exists the possibility that persons will be carried as passengers on these airplanes who, by virtue of their employment or some other relationship to the airplane's owner, may be compelled to fly. These persons will not be aware of the

specific grants of exemption, and might assume that these airplanes are effectively equivalent to commercially operated airplanes. For this reason, the FAA considers it necessary for each passenger to be made aware that the particular airplane does not comply with all of the occupant safety standards mandated for the airplane type in general. The FAA will allow each operator to determine how best to accomplish this notification, but will require that procedures be developed to ensure that each passenger is so informed prior to flying on the airplane for the first time. The notification to any individual need only be accomplished once. This limitation is in addition to those proposed by the petitioner.

While this grant of exemption cannot be said to provide the same level of safety that would be afforded were there strict compliance with the regulations, the resultant level of safety is consistent with other private use airplanes. In addition, the level of safety that results from this exemption is specifically requested and desired by that segment of the public, namely the owners, that will fly on these airplanes.

After considerable deliberation, the FAA has concluded that the installation of interior doors, with certain limitations, can be accepted. In order to maximize the level of safety, the FAA will require that certain limitations, including some as proposed by the petitioner, be made mandatory to permit such installations. As noted previously, there are precedents for this decision involving other private use airplanes.

Finally, regarding the type of operation permitted under the terms of this exemption, the FAA notes that the petitioner refers to “non-scheduled” commercial operation. It should be noted that, whether or not operations are scheduled, this exemption does not permit fares to be collected in exchange for transportation. It is also the intent of this exemption that the airplane is not used to transport the general public (common carriage) even if fares are not collected. This exemption does not restrict one party from collecting fees from another party, as long as the airplane is operated for private use. That is, the airplane’s owner may lease the airplane to another party who, in turn, operates the airplane.

In consideration of the foregoing, I find that a grant of exemption is in the public interest and will not adversely affect the level of safety provided by the regulations. Therefore, pursuant to the authority contained in 49 U.S.C. 40113 and 44701, delegated to me by the Administrator, the petition of Garrett Aviation Services for an exemption from the requirements of 14 CFR § 25.813(e), to allow installation of interior doors between passenger compartments on the Dassault Aviation airplane models Mystere Falcon 900 and Falcon 900EX, is hereby granted with the following provisions:

1. The airplane is not operated for hire or offered for common carriage. This provision does not preclude the operator from receiving remuneration to the extent consistent with 14 CFR part 125 and 14 CFR part 91, subpart F, as applicable.
2. Each door between passenger compartments must be frangible.

3. Each door between passenger compartments must have a means to signal to the flight crew when the door is closed. Appropriate procedures/limitations must be established to ensure that takeoff and landing is prohibited when such compartments are occupied and the door is closed.

4. Each door between passenger compartments must have dual means to retain it in the open position, each of which must be capable of reacting the inertia loads specified in 14 CFR § 25.561.

5. When doors are installed in transverse partitions, they must translate laterally to open and close.

6. When doors are installed in specified egress paths, each passenger must be informed that the airplane does not comply with the occupant safety requirements mandated for the airplane type in general. This notification is only required the first time that a person is a passenger on the airplane.

7. When doors are installed between passenger compartments, it must be possible for persons forward or aft of the door to unlock or unlatch the door without the use of tools.

Issued in Renton, Washington, on November 27, 2001.

/s/ Ali Bahrami

Ali Bahrami

Acting Manager

Transport Airplane Directorate

Aircraft Certification Service